

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BEIJING MEISHE NETWORK
TECHNOLOGY CO., LTD.,

Plaintiff,

v.

TIKTOK INC., et al.,

Defendants.

Case No. [23-cv-06012-SI](#)

**ORDER LISTING QUESTIONS FOR
THE PARTIES TO ADDRESS AT THE
APRIL 5, 2024 HEARING**

This case is set for a hearing on defendants' renewed motion to dismiss plaintiff's third amended complaint on April 5, 2024. The Court issues this order to provide the parties with advance notice of questions that the Court would like the parties to address at the April 5, 2024 hearing.

1. For both parties: Why is plaintiff's Lanham Act claim cognizable or not cognizable under *Dastar Corp. v. Twentieth Century Fox Film Corp.*, 539 U.S. 23 (2003) and *OTR Wheel Engineering, Inc. v. W. Worldwide Servs., Inc.*, 897 F.3d 1008 (9th Cir. 2018)?
2. For plaintiff: Why does *Slep-Tone Entm't Corp. v. Wired for Sound Karaoke & DJ Servs., LLC*, 845 F.3d 1246 (9th Cir. 2017) not require dismissal of the Lanham Act claim as a matter of law?
3. For defendants: With respect to defendants' argument that plaintiff has failed to plead that its Chinese copyrights are exempt from the registration requirement of 17 U.S.C. § 411(a), can counsel point the Court to Ninth Circuit case law requiring plaintiff to plead that its copyrights were first published solely in China?

IT IS SO ORDERED.

Dated: April 2, 2024



SUSAN ILLSTON
United States District Judge